

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:10CR3088
)	
Plaintiff,)	MEMORANDUM
v.)	AND ORDER
)	
RUSSELL HART,)	
)	
Defendant.)	

This matter is before the court on the findings and recommendation made by Magistrate Judge Zwart on November 30, 2010 (filing [26](#)). It is recommended that the motion to suppress filed by the defendant (filing [16](#)) be granted with respect to the defendant's pre-*Miranda* statements regarding his length of residency in Nebraska, his sex offender registration requirements, and his failure to register as a sex offender in Nebraska, but that the motion be denied in all other respects. Neither party has filed objections to the findings and recommendation.

I have conducted a de novo review of the record. I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the findings and recommendation should be adopted and the defendant's motion to suppress should be granted in part and denied in part, as recommended by the magistrate judge.

Accordingly,

IT IS ORDERED that:

1. The magistrate judge's findings and recommendation (filing [26](#)) are adopted.

2. The defendant's motion to suppress ([16](#)) is granted in part and denied in part, as follows:
 - a. The defendant's pre-*Miranda* statements regarding his length of residency in Nebraska, his sex offender registration requirements, and his failure to register as a sex offender in Nebraska shall not be admissible in evidence.
 - b. In all other respects, the motion to suppress is denied.

December 23, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge